



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

January 24, 2023

Re: FOIA Request NLRB-2023-000525

Dear Jacob Sagert (American First Policy Institute):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on December 21, 2022, in which you seek documents detailing the following information for Fiscal Years 2021 and 2022:

- The number of SF-1188 (Cancellation of Payroll Deductions for Labor Organization Dues) requests submitted by employees;
- The number of SF-1188 requests approved and processed;
- The number of SF-1188 requests denied or not processed; and
- The number of SF-1188 requests denied or not processed because they were not submitted within the annual window period for dues withholding created by FLRA precedent and/or applicable collective bargaining agreements (i.e. the window period discussed in Office of Personnel Management, 71 FLRA 571 (2020)).

Additionally, you noted that in the event the agency does not have records providing this data, you alternatively request copies of all SF-1188 forms submitted to the agency but denied or not processed because they were not submitted within the employee's annual window period for Fiscal Years 2021 and 2022. Finally, you noted that in the event the agency can provide the aggregate data requested above, this request for individual SF-1188 forms can be disregarded. You requested a fee waiver for your request.

We acknowledged your request on December 21, 2022.

Pursuant to the FOIA, search inquiries were made to the Agency's Office of Human Resources (OHR) to obtain the requested data. Staff in that office conducted a search and provide the attached, releasable data. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person "actively

gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request. Given your placement in the news media requester category, your request for a fee waiver is moot.

You may contact Lalitta Gillis, the FOIA Specialist who processed your request, at (202) 273-0101 or by email at Lalitta.Gillis@nrlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer

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National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling
FOIA Officer

Attachment: (one page)